

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

N.Y.S.D. Case # 11-cv-5988(WHP)
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# MANDATE

At a State Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 50 Pearl Street, in the City of New York, on the 27th day of February, two thousand twelve.

Before:      DENNIS JACOBS,  
*Chief Judge,*  
 PETER W. HALL,  
 RAYMOND J. LOHIER, JR.,  
*Circuit Judges.*

BLACKROCK FINANCIAL MANAGEMENT INC.,  
 MAIDEN LANE, LLC, MAIDEN LANE II, LLC,  
 KORE ADVISORS, L.P., METROPOLITAN LIFE INSURANCE COMPANY,  
 TRUST COMPANY OF THE WEST AND AFFILIATED COMPANIES  
 CONTROLLED BY THE TCW GROUP, INC., MAIDEN LANE III, LLC,  
 PACIFIC INVESTMENT MANAGEMENT COMPANY LLC,  
 GOLDMAN SACHS ASSET MANAGEMENT, L.P., NEUBERGER BERMAN  
 EUROPE LIMITED, INVESCO ADVISERS, INC., THRIVENT FINANCIAL  
 FOR LUTHERANS, TEACHERS INSURANCE AND ANNUITY ASSOCIATION  
 OF AMERICA, LBBW ASSET MANAGEMENT (IRELAND) PLC, DUBLIN,  
 ING BANK N.V., LANDESBANK BADENWUERTTEMBERG, ING INVESTMENT  
 MANAGEMENT LLC, NEW YORK LIFE INVESTMENT MANAGEMENT LLC,  
 NATIONWIDE MUTUAL INSURANCE COMPANY AND ITS  
 AFFILIATED COMPANIES, ING CAPITAL LLC, AEGON FINANCIAL ASSURANCE  
 IRELAND LIMITED, TRANSAMERICA LIFE INTERNATIONAL (BERMUDA)LTD.,  
 AEGON USA INVESTMENT MANAGEMENT LLC, AUTHORIZED SIGNATORY  
 FOR TRANSAMERICA LIFE INSURANCE COMPANY, TRANSAMERICA ADVISORS  
 LIFE INSURANCE COMPANY, AEGON GLOBAL INSTITUTIONAL MARKETS, PLC,  
 MONUMENTAL LIFE INSURANCE COMPANY, PINE FALLS RE, INC.,  
 TRANSAMERICA FINANCIAL LIFE INSURANCE COMPANY, LIICA RE II, INC.,  
 WESTERN RESERVE LIFE ASSURANCE CO. OF OHIO, FEDERAL HOME LOAN  
 BANK OF ATLANTA, STONEBRIDGE LIFE INSURANCE COMPANY,  
 PRUDENTIAL INVESTMENT MANAGEMENT, INC., WESTERN ASSET  
 MANAGEMENT COMPANY, BAYERISCHE LANDESBANK, THE BANK OF  
 NEW YORK MELLON, as Trustee under various Pooling and Servicing Agreements and  
 Indenture Trustee Under Various Indentures,

<b>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>March 02, 2012</u></b>
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JUDGMENT  
 Docket No.: 11-5309(Lead)  
 11-5314 (Con.)

Petitioners-Appellants,

v.

THE SEGREGATED ACCOUNT OF AMBAC ASSURANCE CORPORATION,  
 AMBAC ASSURANCE CORPORATION, TRIAXX PRIME CDO 2007-1, LTD., TRIAXX  
 PRIME CDO 2006-2, LTD., TRIAXX PRIME CDO 2006-1, LTD.,  
 COMMONWEALTH INVESTORS, AMERICAN EQUITY INVESTMENT LIFE  
 INSURANCE COMPANY, WALNUT PLACE LLC, WALNUT PLACE II LLC,  
 WALNUT PLACE III LLC, WALNUT PLACE IV LLC, WALNUT PLACE V  
 LLC, WALNUT PLACE VI LLC, WALNUT PLACE VII LLC, WALNUT PLACE  
 VIII LLC, WALNUT PLACE IX LLC, WALNUT PLACE X LLC, WALNUT

MANDATE ISSUED ON 03/02/2012

PLACE XI LLC, FEDERAL HOME LOAN BANK OF SAN FRANCISCO,  
FEDERAL HOME LOAN BANK OF SEATTLE, RMBS ACQUISITION, INC.,  
CRANBERRY PARK LLC, CRANBERRY PARK II LLC, TM1 INVESTORS,  
LLC, V RE-REMIC, LLC, POLICEMENS ANNUITY & BENEFIT FUND OF  
CHICAGO, THE WESTMORELAND COUNTY EMPLOYEE RETIREMENT SYSTEM,  
CITY OF GRAND RAPIDS GENERAL RETIREMENT SYSTEM, CITY OF  
GRAND RAPIDS POLICE AND FIRE RETIREMENT SYSTEM, FEDERAL HOME  
LOAN BANK OF BOSTON, FEDERAL HOME LOAN BANK OF CHICAGO,  
FEDERAL HOME LOAN BANK OF INDIANAPOLIS, FEDERAL HOME LOAN  
BANK OF PITTSBURGH, THE WESTERN AND SOUTHERN LIFE INSURANCE  
COMPANY, COLUMBUS LIFE INSURANCE COMPANY, WESTERN-SOUTHERN  
LIFE ASSURANCE COMPANY, INTEGRITY LIFE INSURANCE COMPANY,  
NATIONAL LIFE INSURANCE COMPANY, FORT WASHINGTON INVESTMENT  
ADVISORS, INC. ON BEHALF OF FORT WASHINGTON ACTIVE FIXED  
INCOME LLC, AMERICAN INTERNATIONAL GROUP, INC., AMERICAN  
GENERAL ASSURANCE COMPANY, AMERICAN GENERAL LIFE AND  
ACCIDENT INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE  
COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY OF  
DELAWARE, AMERICAN HOME ASSURANCE COMPANY, AMERICAN  
INTERNATIONAL LIFE ASSURANCE COMPANY OF NEW YORK, CHARTIS  
SELECT INSURANCE COMPANY, CHARTIS PROPERTY CASUALTY COMPANY,  
COMMERCE AND INDUSTRY INSURANCE COMPANY, FIRST SUNAMERICA  
LIFE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY,  
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, NEW  
HAMPSHIRE INSURANCE COMPANY, SUNAMERICA ANNUITY AND LIFE  
ASSURANCE COMPANY, SUNAMERICA LIFE INSURANCE COMPANY, THE  
INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, THE UNITED  
STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK, THE  
VARIABLE ANNUITY LIFE INSURANCE COMPANY, WESTERN NATIONAL  
LIFE INSURANCE COMPANY, KNIGHTS OF COLUMBUS,  
Respondents-Appellees.

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The appeal in the above captioned case from a judgment of the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the appeal is DISMISSED and the judgment of the district court is REVERSED with instructions to vacate its decision and order and remand to New York Supreme Court, in accordance with the opinion of this court.

For The Court,

Catherine O'Hagan Wolfe,  
Clerk of Court

  
Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
Catherine O'Hagan Wolfe